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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,328	08/04/2003	Kenneth Thompson	MCC-44532	6778
26252	7590	01/29/2009	EXAMINER	
KELLY LOWRY & KELLEY, LLP 6320 CANOGA AVENUE SUITE 1650 WOODLAND HILLS, CA 91367				ART UNIT
				PAPER NUMBER

DATE MAILED: 01/29/2009

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10634328	8/4/2003	THOMPSON ET AL.	MCC-44532

EXAMINER

Willmon Fridie

ART UNIT	PAPER
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3724 20090127

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

SEE ATTACHMENT

/Willmon Fridie/
Primary Examiner, Art Unit 3724

DETAILED ACTION

Appeal Brief

The appeal brief filed on 11/8/05 is defective.

A review of the file reveals that the appellants include claim 17 as an independent claim under the heading "Summary of Claimed Subject Matter." However, claim 17 has been cancelled according to an amendment filed on December 15, 2003. A clarification is needed to clarify whether or not claim 17 has been cancelled.

To avoid dismissal of the appeal, appellant must ratify the appeal brief within ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer. Extensions of time may be granted under 37 CFR 1.136.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 8/4/03 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Evidence Relied Upon

In the Examiner's Answer that was mailed on 3/13/06 the evidence relied upon by the examiner in the rejection of the claims under appeal was inadvertently omitted. The evidence relied upon is listed below:

US Patent 6106932 to Carides et al. 08-2000
US Patent 6693544 to Hebbecker 02-2004

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willmon Fridie whose telephone number is 571 272 4476. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ASHLEY BOYER can be reached on 571 272 4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WF
/Willmon Fridie/
Primary Examiner, Art Unit 3724

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